United Nations S/2006/724

Security Council

Distr.: General
11 September 2006
English
Original: French

Letter dated 8 September 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

I write in my capacity as Chairman of the Security Council Working Group on children and armed conflict established by resolution 1612 (2005).

At its fifth meeting, on 6 September 2006, the Working Group adopted its conclusions with respect to the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2006/389), as well as a document setting out a list of options for possible actions by the Working Group (see annex).

I would be grateful if you could arrange to have these texts published as documents of the Security Council.

(*Signed*) Jean-Marc **de La Sablière**
Ambassador
Permanent Representative

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Annex to the letter dated 8 September 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

Security Council Working Group on children and armed conflict

Conclusions on parties in the armed conflict of the Democratic Republic of the Congo

At its fourth meeting, on 26 June 2006, the Working Group examined a report by the Secretary-General on children and armed conflict in the DRC, introduced by the SRSG. The Permanent Representative of the DRC participated in the subsequent discussion.

The main elements of the exchange of views among the WG were as follows:

- The quality of the report was emphasized by everyone, and the Secretary-General's analysis and recommendations met with a favourable response;
- There was encouraging and positive cooperation by the authorities of the Democratic Republic of the Congo;
- Measures to combat impunity were essential; several speakers referred to the additional steps taken by the International Criminal Court and to the transfer of Thomas Lubanga. Some members called for firm measures against L. Nkunda in particular;
- Most of the participants called for the adoption of vigorous specific recommendations;
- The role of donors was critical in assisting the Congolese authorities in discharging their obligations;
- The Working Group should ensure that, in the discussions to be held with the authorities yet to be elected on the continuation of an international presence in the country, the protection of children remains a priority;
- There was general support for the Secretary-General's intention to send his Special Representative on a mission to the Democratic Republic of the Congo, in particular to contribute to discussion of renewal of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Ms. Coomaraswamy stated that she would travel to the Democratic Republic of the Congo and base her activities on the recommendations of the Council following its consideration of the report, which she expected to see adopted in the very near future.

Further to this meeting, the Working Group has agreed to the following:

- Letter by the Chair of the WG to the new elected authorities of DRC urging them to take appropriate legal action against members of FARDC accused of grave crimes against children, and to take corrective measures at top level of military hierarchy;
- Letter by the Chair of the WG bringing to the attention of United Nations agencies and donor Governments the need to support the Government of the

DRC with technical assistance for *Auditeurs Militaires* in bringing an end to impunity for grave violations against children committed by military forces or armed groups present in the DRC, as well as the need to develop and strengthen sustainable DDR programmes in DRC in close cooperation with non-governmental organizations and local communities;

Letter by the Chair of the WG to the Secretary-General reiterating the responsibility of MONUC in its mandate (S/2004/1565, para. g) to aid the Government of the DRC in apprehending and bringing to justice child abusers, specifically dissident General Laurent Nkunda and asking MONUC to update the WG on the status of dissident General Nkunda every 2 months;

Letter by the President of the Security Council to the authorities of DRC inviting them to pay particular attention to girls exploited by armed forces and groups, in the DDR process;

Recommend UNSC to consider and forward [draw from the toolkit — point 5] to its Sanctions Committee on DRC the WG's grave concern on the repeated violations by the leaders of the MRC, including by their activities in neighbouring States, of the Security Council resolutions on children and armed conflict;

Demarche by the President of the Security Council with the Government of Rwanda on the need to cease any movements of dissident General Laurent Nkunda into and out of the territory of the Republic of Rwanda;

Recommend the Secretary-General and UNSC, when renegotiating with the authorities of the DRC the mandate of MONUC, to preserve and strengthen the framework in place for the protection of children, including MONUC's capacity to protect girls from rape and other forms of gender-based violence;

Letter by the Chair of the WG to the Secretary-General welcoming his intention to ask SRSG to visit DRC.

Addendum

Non-paper

Options for possible actions by the CAAC Working Group of the Security Council ("toolkit")

Extract of UNSC 1612 mandate (OP 8):

(…) *Decides further that the Working Group shall:*

(a) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to parties to the conflict;

(b) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of this resolution in accordance with their respective mandates.

The Working Group shall design a specific approach for each case, proceeding in a constructive way, putting emphasis on dialogue and cooperation.

On the basis of the above-mentioned mandate, the following list of possible recommendations can be envisaged. This list is *indicative* and *non-limitative*, and this non-paper must be considered as a "living document":

1. **Assistance**

Direct action by the WG

- Recommendations for additional technical assistance to the country concerned, in order to strengthen its national capacities to promote and protect the rights of the child (UNICEF, OHCHR, DPKO, UNDP …)
- Recommendations to the relevant bodies for improving humanitarian coordination and assistance to children affected by armed conflict (OCHA, UNHCR, UNICEF …)
- Specific requests to other United Nations bodies (PBC, GA, HRC …) or agencies (ILO, World Bank …)
- Request for advocacy and official visits of the SRSG for CAAC to countries of concern, including, where appropriate, engaging with parties on action plans, M&R implementation, assistance for adoption of the Optional Protocol to the CRC and other relevant instruments

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Support to transitional justice and truth-seeking mechanisms, including support in the development and implementation of child-sensitive procedures, e.g. building capacity of investigators, statement takers and other officials involved in how to address cases involving children and how to interview and take testimonies from children

Possible recommendations to the UNSC

- Letters to donors (public/private) to invite them to contribute more, including for strengthening child protection capacities of regional organizations

2. **Démarches**

Direct action by the WG

- Advocacy for accountability for crimes against children in situations of armed conflict and calls on the United Nations and Members to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Letters/appeals to the parties concerned

- Démarches to parties in situations of armed conflict listed in the annexes of the Secretary-General's report, based on terms of reference clearly defined by the Working Group and aiming to achieve specific and verifiable results

Possible recommendations to the UNSC

- Letters to regional organizations

- Draw attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals, while emphasizing the responsibility of States to comply with their relevant obligations to end impunity

3. **Enhanced monitoring**

Direct action by the WG

- Request from the Secretary-General of additional information/reports on specific issues or parties

- Request from the representatives of the affected country of additional information/clarification on the Secretary-General's report

- Organization of informational briefing by outside experts (civil society, academia ...)

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Specific field trips on CAAC by Members of the Working Group followed by a report, subject to availability of funding
- Convening of a closed or open meeting with the participation of the State concerned and/or parties concerned as appropriate
- Press conferences to highlight a specific issue and to raise awareness about the CAAC provisions of international humanitarian and human rights law, as well as about UNSC resolutions and decisions regarding CAAC (in addition to the usual press releases following the meetings of the WG)

Possible recommendations to the UNSC

- Ensure that UNSC field trips incorporate CAAC dimension in their terms of reference and reports
- Specific PRST or resolution, if appropriate

4. Improvement of mandates

Direct action by the WG

- Invitation to stakeholders concerned to pay particular attention to children, including girls exploited by armed forces and groups, in DDR processes

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Letter to the Secretary-General suggesting the strengthening of the "CAAC dimension" of the mandate of a peacekeeping mission or of a DPA assistance mission, whenever there is a specific need, and requesting that periodic reports include an analysis on the issue
- Request that the specific needs of children are considered in forthcoming peace processes and/or peacekeeping mandates, including advocacy for inclusion of child protection provisions in ceasefire and peace agreements as well as throughout the consolidation of peace in the aftermath of conflict (including during reform and transition processes)
- Setting strong child protection standards for troop-contributing countries and other actors involved in peacekeeping operations and providing adequate and regular training

Possible recommendations to the UNSC

- Identify and focus on specific areas for developing UNSC's action on CAAC, including through consideration of drafting a new UNSC resolution on CAAC

5. Other measures

Possible recommendations to the UNSC

- Consider and forward to the existing Sanctions Committees, bearing in mind their respective mandates and paragraphs 9 of resolution 1612 (2005) and 5 (c) of resolution 1539 (2004), relevant information received by the Working Group and its conclusions thereon, in particular on issues of concern, including the views requested from the Working Group upon request of the existing Sanctions Committees

- Letters to the relevant justice mechanisms, in order to bring information to their attention and contribute to ending impunity of violators